



AGENCY OF HUMAN SERVICES
DEPARTMENT OF DISABILITIES, AGING AND INDEPENDENT LIVING

Division of Licensing and Protection
103 South Main Street, Ladd Hall
Waterbury VT 05671-2306
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Voice/TTY (802) 241-2345
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December 13, 2011

Tracy Chellis, Administrator
Bayada Nurses, Inc
110 Kimball Avenue, Suite 250
So Burlington, VT 05403-6925

Provider ID #:477019

Dear Ms. Chellis:

Enclosed is a copy of your acceptable plans of correction for the survey and complaint investigation conducted on **November 15, 2011**.

Follow-up may occur to verify that substantial compliance has been achieved and maintained.

Sincerely,

A handwritten signature in cursive script that reads "Pamela M. Cota".

Pamela M. Cota, RN
Licensing Chief

PC:ne

Enclosure



Division of Licensing and Protection

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 477019	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 11/15/2011
NAME OF PROVIDER OR SUPPLIER BAYADA NURSES, INC		STREET ADDRESS, CITY, STATE, ZIP CODE 110 KIMBALL AVENUE, SUITE 250 SO BURLINGTON, VT 05403		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
H 001 SS=A	Initial Comments An unannounced complaint investigation was conducted on 11/15/11 by the Division of Licensing and Protection. There were regulatory violations related to 'Regulations for the Designation and Operation of the Home Health Agencies'.	H 001		
H 645 SS=D	6.12(a) Organization, Services and Administration VI. Organization, Services and Administration 6.12 A home health agency shall keep a log of all complaints. The log shall include the date of the complaint, name of complainant, subject of the complaint, person assigned and the date and resolution of the complaint. (a) The home health agency shall respond to all complaints, whether received orally or in writing, within 2 business days. This REQUIREMENT is not met as evidenced by: Based on interview and record review, the agency failed to assure all complaints were logged and investigated in a timely manner for 1 patient (Patient # 1) Findings include: 1. Per record review on 11/15/11 the agency failed to document on the complaint log the name, date, person assigned, subject, and resolution of complaints made by patient #1. The patient's family reported to the Agency on 11/18/10 of the staff nurse committing errors when filling the patient's medication box. There is no documentation of this report in the complaint log. In addition, a client/employee complaint report dated 08/24/10 alleges an aide of smoking,	H 645	H. 645 Each Bayada Home Health office Director Shall conduct a review of the complaint response and documentation practices with all of their office staff By 12/15/11. Office Directors will monitor all complaints Logged for resolution every 2 days. Ongoing. Division Director will review complaint logs when on site at the branch offices. Ongoing POC unmt 12.8.11 S	

Division of Licensing and Protection

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

STATE FORM

8899

6ZJ511

TITLE

(X5) DATE

If continuation sheet, 1 of 5

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H 645	Continued From page 1 sleeping and texting on the job. The was an interview memo dated 08/26/10 at 3:30 PM regarding the allegation. There is no documentation of this incident in the complaint log. Per interview on 11/15/11 at 5:00 PM the Director confirmed these concerns were received but were not entered onto the complaint log.	H 645			
H 732 SS=D	7.3(a)(3) Discontinuation of Services VII. Discontinuation of Services 7.3 When a home health agency identifies a need to discontinue or reduce services to a patient, the home health agency shall provide a verbal notice, followed by a written notice, accessible to the patient. (a) If services will be reduced or discontinued, the home health agency shall give written notice as follows: (3) Prior to discontinuing services for safety reasons to a patient or staff, the home health agency shall: notify the physician, if applicable, or the case manager; advise a patient that a discontinuation of services for safety reasons is being considered; make a serious effort to resolve the problem(s) presented by the patient's behavior or situation; ascertain that the proposed discontinuation of services to the patient is not due to the patient's use of necessary home health agency services; and document the problem(s) and efforts made to resolve the problem(s) in the patient's clinical record. This REQUIREMENT is not met as evidenced	H 732	H. 732 Prior to any discharge or reduction from services with the exception of a pending "Goals met" the client shall be involved in the discussion about potential discharge. This conversation will be documented in the client record by the Bayada Nurses representative involved in the discussion. Likewise all efforts to resolve the situation shall be documented in the client chart. Should a Discharge from Services determination meet criteria, the Clinical Manager shall request permission from the client to contact a like providing agency, or at a minimum provide contact information for a like providing agency. Documented notification of the clients. Physician will be placed in the client chart. These efforts shall be documented on a Coordination of Services note. Responsible person. Nick McCardle, Division Director Shall relay this information to all office teams and Directors by 12/15/2011. On going monitoring of this requirement shall be Provided by each office director. <i>ABC jan 12.11</i>		

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H 732	<p>Continued From page 2</p> <p>by: Based on record review and interview the Agency failed to attempt to resolve circumstances for the discontinued services for 1 applicable patient. (Patient #1) Finding include:</p> <p>1. Per review on 11/15/11 of the Agency's undated discharge notice to Patient #1, the reasons documented for discontinuation of services "on 12/18/10 was based on the conversation we had with your {spouse} it is our understanding that we will no longer be providing services to you because {your spouse} will not allow our employees to enter your home and has canceled our services. Additionally, due to the present safety concerns for our staff, we can no longer continue to have them work in your home. It is unfortunate, but {your spouse} has made numerous verbal threats to our staff which has caused an unsafe environment for them and they cannot be expected to work under those circumstances.</p> <p>Per review of the the Nurse's progress notes of 11/24/10, 11/26/10, 11/29/10 documented under environment/safety was "no concerns". Nursing progress notes of 11/18/10 and 11/15/10 were noted as "fair" and the spouse's "crude dissatisfied comments". An office memo written by the Area Director of the Brattleboro office on 12/02/10 documents that the spouse requested that the staff nurse of the 11/15 & 11/18 visits no longer provide services. The spouse was dissatisfied with quality of the medication administration by that nurse.</p> <p>On 12/02/10 the aide reported to the office nurse the patient was having chest pain and shortness of breath. The nurse recommended to call 911 and the patient refused stating it was a result of coughing not cardiac in nature. The spouse was reported to be enraged stating "I'm sick of</p>	H 732			

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H 732	Continued From page 3 those {Agency} people sticking their nose in my business" and "if you people show up I'll knock you on your (buttocks)". There is also mention that the spouse "called the office shortly after that, apologizing for his behavior, stating the s/he was upset". On 12/03/10 the Agency decided to terminate services and called the spouse the next day. There is no documentation that the Agency made a serious effort to resolve the problem(s) presented by the patient's spouse. Per interview on 11/15/10 at 5:15 PM the Area Director of the Brattleboro office confirmed that there was no documentation to show efforts made to resolve the problem.	H 732			
H 740 SS=D	7.4 Discontinuation of Services VII. Discontinuation of Services 7.4 When a home health agency determines that a patient will require continuing care after services are discontinued, the agency shall arrange or assist the patient to arrange for such services and shall provide sufficient clinical information to the receiving entity to assure continuity of care and services. The home health agency shall educate the patient about how to obtain further care, treatment and services to meet his or her identified needs, if applicable. This REQUIREMENT is not met as evidenced by: Based on record review and interview the Agency failed to assist or arrange needed services after discontinuation of services for Patient #1. Findings Include: 1. Per record review on 11/15/11 Patient #1 had	H 740	H.740 Should a Discharge from Services determination meet criteria or the client chooses to change agency, the Clinical Manager shall request permission from the client to contact a like providing agency, or at a minimum provide contact information for a like providing agency. Physician shall be notified of pending discharge and documentation placed in the client chart. These efforts shall be documented on a Coordination of Services note. Responsible person, Nick McCardle, Division Director Shall relay this information to all office teams and Directors by 12/15/2011. On going monitoring of this requirement shall be Provided by each office director. <i>Doc unnt</i> 12/8/11		

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H 740	Continued From page 4 at time of discharge Stage 2 ulcers that needed dressing changes 2 x week by nursing , up to 40 hours a week of personal care services and was going to start chemotherapy. There is no documentation that the Agency assisted or arranged for needed services nor provided how to obtain further care, other than an undated discharge letter stating, " In order to ensure no interruptions in care, I strongly advise that you continue to work with (you case manager) during this process". Per interview on 11/15/11 at 5:15 PM the Area Director of the Brattleboro office confirmed that the patient needed continuing care and the Agency did not assist or arrange for those services.	H 740			